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Federal Communications Commission
Office of the Secretary

Before the
Federal Communications Commissions
Washington, D.C. 20554

In the Matter of)

Federal-State Joint Board on)
Universal Service)

CC Docket No. 96-45

**AT&T MOBILITY LLC (F/K/A AT&T WIRELESS SERVICES, INC.) (SAC 259908)
ELIGIBLE TELECOMMUNICATIONS CARRIER ANNUAL REPORT AND
CERTIFICATION IN COMPLIANCE WITH
47 C.F.R. § 54.209(a)**

I. INTRODUCTION

In accordance with the standards and requirements established by the Federal Communications Commission ("Commission"), AT&T Mobility LLC (f/k/a Cingular Wireless, LLC) ("AT&T Mobility") submits this Annual Report and Certification, and respectfully requests the Commission to certify its eligibility to receive high-cost support from the federal universal service fund for calendar year 2009.

II. BACKGROUND

On December 29, 2003, AT&T Wireless Services, Inc. filed a petition for designation as a competitive eligible telecommunications carrier ("ETC") in certain areas served by non-rural telephone companies and entire study areas served by certain rural telephone companies in the State of Alabama ("AL ETC Petition").¹ On October 26, 2004, subsequent to the submission of

¹ See *Petition of AT&T Wireless Services, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45 (filed December 29, 2003). See also the Supplement to the AL ETC Petition filed on May 11, 2004, Amendment to the AL ETC Petition filed on February 23, 2006, and Minor Further Amendment filed on April 28, 2006.

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the AL ETC Petition, AT&T Wireless Services, Inc. merged with Cingular Wireless Corporation and Cingular Wireless Corporation was later converted to a limited liability company, Cingular Wireless LLC (“Cingular”). Cingular then filed an Amendment to the AL Petition updating the legal names of the applicant entities, withdrawing all rural telephone company study areas, and providing additional information as required by the *ETC Designation Order*.² On December 29, 2006, AT&T Inc. and BellSouth Corporation, the parent companies of Cingular Wireless LLC, merged and Cingular became a wholly owned subsidiary of AT&T Inc. Cingular then changed its name to AT&T Mobility LLC.

In its May 1, 2008 *CETC Cap Order*, the Commission approved a number of pending petitions for ETC designation, including the AT&T Mobility AL ETC Petition.³ This Order became effective on August 1, 2008. For the purposes of this filing the areas served by non-rural telephone companies in which AT&T Mobility was granted designation as an ETC shall be collectively referred to as AT&T Mobility’s “Designated Area.”

III. AT&T MOBILITY’S ANNUAL REPORTING IN ACCORDANCE WITH SECTION 54.209(a)

Section 54.209(a) of the Commission’s Rules require a common carrier designated by the Commission as an ETC to annually report certain information no later than October 1st of each calendar year. In their 2008 annual filings, ETCs are required to report, for example, outage

² *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6317 (2005) (“*ETC Designation Order*”).

³ See *High-Cost Universal Service Support*, *Federal-State Joint Board on Universal Service*, *Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers*, *RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, WC Docket No. 05-337, CC Docket No. 96-45, Order, 23 FCC Rcd 9232 (2008) (“*CETC Cap Order*”) at Appendix B.

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information, unfulfilled service requests, and the number of complaints from calendar year 2007.⁴

Since AT&T Mobility was not an ETC in the Designated Area prior to August 1, 2008, it does not have such information for 2007. Consistent with the Commission's Rules, AT&T Mobility will provide calendar year 2008 information (from August 1 through December 31, 2008) in its 2009 annual report.⁵

A. AT&T Mobility's Progress Report on its Service Improvement Plan

Section 54.209(a)(1) of the Commission's Rules requires an ETC to provide a progress report on its previously filed Service Improvement Plan. The progress report must include maps detailing the Company's progress toward meeting its planned targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage or capacity, and an explanation regarding any network improvement plan targets that have not been fulfilled. AT&T Mobility developed and filed with the Commission a five-year Service Improvement Plan on February 23, 2006. The Service Improvement Plan was subject to change over time for various reasons, including consumer demand, projected universal service support amounts, and projected costs. As a significant amount of time has passed since AT&T Mobility developed and filed its five-year Service Improvement Plan, AT&T Mobility is providing as Confidential Exhibit A-1 an updated five-year Service Improvement Plan. AT&T Mobility is also including as Confidential Exhibit A-2 a map with current coverage and Confidential Exhibit A-3 a map showing approximate predicted coverage after five years based on the network changes in the Service Improvement Plan.

⁴ See 47 C.F.R. §§ 54.209(a)(2), (3), and (4).

⁵ See, e.g., 47 C.F.R. § 54.209(a)(3) (requiring ETCs to provide the number of unfulfilled service requests for the past year).

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AT&T Mobility will utilize federal high-cost universal service support for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent with section 254(e) of the Communications Act of 1934, as amended (the “Act”) and section 54.7 of the Commission’s Rules.

B. AT&T Mobility Network Outages In Alabama Designated Area

Section 54.209(a)(2) of the Commission’s Rules requires an ETC to annually report network outages within its Designated Area. The Rule specifically requires:

[d]etailed information on any outage, as that term is defined in 47 C.F.R. 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) [a]t least ten percent of the end users served in a designated service area; or (ii) [a] 911 special facility, as defined in 47 C.F.R. 4.5(e). Specifically, the eligible telecommunications carrier’s annual report must include information detailing: (A) [t]he date and time of onset of the outage; (B) [a] brief description of the outage and its resolution; (c) [t]he particular services affected; (D) [t]he geographic areas affected by the outage; (E) [s]teps taken to prevent a similar situation in the future; and (F) [t]he number of customers affected.

As AT&T Mobility was only recently granted ETC status for the Designated Areas, AT&T Mobility will provide this information for calendar year 2008 in the annual report that it files next year.

C. AT&T Mobility’s Unfulfilled Requests For Service

Section 54.209(a)(3) of the Commission’s Rules require an ETC to annually report the number of requests for service from potential customers within the ETC’s designated service area that were unfulfilled during the past year. The filing must also detail how the ETC attempted to provide service to those potential customers as set forth in Section 54.202(a)(1)(i). As the effective date for the Designated Areas was August 1, 2008, AT&T Mobility will include this

information for calendar year 2008 in the annual report that it files next year. AT&T Mobility will follow the process set forth in Section 54.202(a)(1)(i) for requests for service.

D. AT&T Mobility's Complaints Per 1,000 Handsets Or Lines

Section 54.209(a)(4) of the Commission's Rules require an ETC to annually report the number of complaints per 1,000 handsets or lines. As AT&T Mobility was only recently granted ETC status for the Designated Areas, AT&T Mobility will provide this information for calendar year 2008 in the annual report that it files next year.

E. AT&T Mobility's Certification Regarding Applicable Service Quality Standards And Consumer Protection Rules

Section 54.209(a)(5) of the Commission's Rules require an ETC to certify that it is complying with applicable service quality standards and consumer protection rules. AT&T Mobility's compliance with the terms and conditions of the CTIA Consumer Code for Wireless Service meets this requirement. AT&T Mobility certifies that it has complied and will continue to comply with the principles set forth therein.

F. AT&T Mobility's Certification Regarding An Ability to Function In Emergency Situations

Section 54.209(a)(6) of the Commission's Rules requires an ETC to certify an ability to function in emergency situations as set forth in section 54.202(a)(2) of the Commission's Rules. The standards set forth in section 54.202(a)(2) include a reasonable amount of back-up power to ensure functionality without an external power source, an ability to reroute traffic around damaged facilities and a capability to manage traffic spikes resulting from emergency situations. AT&T Mobility has in place emergency operation procedures so that it can function in an emergency. Backup power is provided at switch locations and cell sites through a combination of batteries, portable generators and permanent generators. AT&T Mobility also has mobile

switches and portable Cells on Wheels (“COWs”) that it can deploy in the event of an emergency. Based on the foregoing, AT&T Mobility certifies it is able to function in emergency situations as set forth in section 54.202(a)(2).

G. AT&T Mobility’s Certification Regarding Its Provision of A Comparable Local Usage Plan

Section 54.209(a)(7) of the Commission’s Rules requires an ETC to certify it is offering a local usage plan comparable to the incumbent LEC in the relevant service areas. In the *ETC Designation Order*, the Commission declined to adopt a specific local usage threshold or require that an applicant match the incumbent LEC’s offering.⁶ Rather, the Commission concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the “local” calling area, monthly price, and other factors.⁷

AT&T Mobility offers calling plans that provide customers local usage that is comparable to the incumbent LECs when taking into account all of the additional benefits of AT&T Mobility’s current service offerings. AT&T Mobility currently offers post-paid calling plans that include nationwide long distance calling and roaming within the United States. AT&T Mobility also offers an Unlimited Rate Plan which offers unlimited calling within the United States. Most of AT&T Mobility’s currently offered post-paid calling plans include unlimited nights and weekend minutes, while some of the lower priced plans offer generous allotments of night and weekend minutes. Most currently offered post-paid calling plans also include unlimited mobile calling between AT&T Mobility customers, and allow the customer to Rollover[®] unused

⁶ *ETC Designation Order*, ¶¶ 32 and 33.

⁷ *Id.*

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minutes for use in subsequent months. Further, AT&T Mobility's calling plans currently offer all of the following features at no extra charge: Voice Mail, Caller ID, Call Forwarding, Call Waiting, and Three-Way Calling. In addition to these calling plans, AT&T Mobility also offers an option for prepaid or pay-as-you-go wireless service. All of AT&T Mobility's calling plans inherently include the added value of being mobile and as such increases the value of AT&T Mobility's calling plans.

Based on the foregoing, AT&T Mobility certifies that it offers and will continue to offer at least one comparable local usage plan as required by Section 54.209(a)(7).

H. AT&T Mobility's Certification Regarding The Commission's Ability To Provide Equal Access

AT&T Mobility hereby certifies that the Commission, pursuant to 47 U.S.C. § 332(c)(8), may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within its Designated Area.

IV. CONCLUSION

Based on the foregoing information, AT&T Mobility respectfully requests the Commission to certify its eligibility to receive federal universal service support for calendar year 2009 in accordance with 47 C.F.R. §§ 54.313 and 54.314.

Dated: 9-25-08

AT&T MOBILITY LLC

By: 

Joe Larussa

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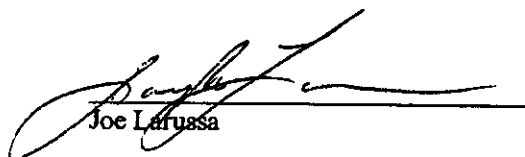
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CERTIFICATION

The undersigned, Joe Larussa, does hereby certify as follows:

1. I serve as Vice President/General Manager Sales for AT&T Mobility and am authorized to make this certification on behalf of AT&T Mobility LLC.
2. This certification is submitted in support of the AT&T Mobility LLC's (f/k/a Cingular Wireless LLC) ETC Annual Report and Certification in compliance with 47 C.F.R. §54.209(a).
3. I have reviewed the ETC Certification and Annual Report and the facts state therein are true and correct to the best of my knowledge, information and belief.


Joe Larussa

Subscribed and sworn to me
this 25 day of September, 2008.

(NOTARY SEAL)


Notary Public

Richard K. Lee Jr.
Bar No. 7544

EXHIBIT A-1

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EXHIBIT A-2

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EXHIBIT A-3

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